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SUBJECT: HAITI ELECTIONS: PROGRESS AND A LOOMING PROBLEM

Classified By: DCM Douglas Griffiths for reasons 1.4(b) and (d)

11. (C) Summary. Prime Minister Latortue announced October 13 the following measures aimed at moving forward elections preparations: (1) The creation of a Director General (DG) in charge of a new electoral Support Committee, (2) the passage of a decree removing the Supreme Court from the appeals process for electoral disputes, (3) amendments to existing laws that will allow the adjustment of the election timetable, and (4) approval of \$1.3 million to finance political parties. The actions are welcome news, though there are conflicting accounts of precisely what authority the new DG will have. In the meantime, work toward creating a DG and restructuring the CEP has sidetracked further progress on critical elections tasks. The removal of the Supreme Court from the electoral process is controversial, but necessary to ensure elections occur on time and consistent with Haiti's constitution. The PM also announced the creation a ministerial commission to examine the citizenship of political candidates. The move to create the citizenship commission, however, is provocative and will distract the Haitian government and politicians from the urgent tasks at hand. The Haitian government should respect the standing supreme court decision and focus exclusively on the logistics of elections preparations. End Summary.

Steps Forward/Steps Sideways

12. (C) The centerpiece of the PM,s actions is the creation of the DG. Earlier in the day, the PM had vowed to visiting S/CRS director Pascual and WHA/PDAS Duddy that he would have the DG installed and working before he left Haiti on Saturday, October 16 (septel). The PM insisted that the DG would have the necessary authority to take decisions, coordinate the work of the CEP, MINUSTAH, and the OAS, and utilize all the electoral expertise at hand. The DG's first task would be to chart the tasks remaining and establish firm and fixed dates for national and local elections. The Prime Minister further admitted that the first round of elections would likely take place sometime between December 11 and December 18. The PM,s choice for DG, Jacques Bernard, a Haitian businessman currently resident in the U.S., began meetings with the PM and government officials today, October 14. He has reportedly asked for written assurances of his authority (presumably included in the new by-laws) and for the unanimous consent of CEP members for his appointment.

13. (C) Separate conversations with CEP members indicate that they are less clear about their relationship with the DG. Though most accepted Mr. Duddy's formulation that the CEP should act as a board and the DG as the CEO, some members implied that the they expected to continue to participate in day-to-day decision making. Additionally, in the process of creating the Support Committee and DG's position, the CEP has also restructured itself, forming two working committees of four members each, with a new President selected among the current members at the top (and leaving uncertain the status of current CEP President Max Mathurin). Several CEP members also informed Polcouns that that the process of establishing the Support Committee and finalizing the by-laws had brought work in other areas to a standstill. At the time of the PM,s announcement to form the committee and restructure the electoral administration on September 30, the CEP had still to select and staff voting centers, complete the set-up and staffing of BECS, and to finalize the list of approved candidates for national office. Final action on these items now awaits the completion of the restructuring of the CEP and the installation of the DG.

The Supreme Court, the Prime Minister, and Mr. Simeus

14. (C) The government's removal of the Supreme Court from the electoral process is necessary, but politically sensitive. The decree will take effect only days after the Supreme Court ruled 5-0 to re-instate the candidacy of Haitian American businessman Dumarsais Simeus. The CEP had previously ruled Simeus ineligible on the basis of his dual nationality, and Simeus and the Prime Minister had engaged throughout the process in an increasingly bitter and public dispute. The Prime Minister admitted to Ambassador Pascual and Mr. Duddy

that everyone would assume he had proceeded with the decree out of revenge against Simeus and the Supreme Court, but emphasized that holding to a February 7 was only possible with the court removed from the process, and that he would refrain from linking this move with Simeus candidacy.

15. (SBU) Latortue ironically created this problem for himself. His government established the Supreme Court's role in the electoral process by decree only in March. The Supreme Court had previously had no jurisdiction in electoral matters, and Haiti's 1987 constitution designates the Electoral Council as the final instance of appeal for approving candidates. Latortue took this action over the strenuous objections of international and Haitian elections experts, who foresaw that the Supreme Court's inclusion would prove unworkable within the constraints of the electoral calendar.

Comment

16. (C) The consequences of the Prime Minister's decision to form a committee to examine the nationality of candidates could derail Haiti's elections. Many correctly view his actions as a continuation of a personal vendetta against Simeus, and a continuing dispute will seriously poison the campaign atmosphere. An attempt by the government to reverse the Supreme Court's ruling on Simeus, or disqualify another of the major dual national candidates could spark a political crisis or otherwise seriously impact voter participation. In addition, the Prime Minister deliberately deceived us and our Department visitors regarding his position on Supreme Court's decision. He told Ambassador Pascual and DAS Duddy during their meeting, and later the Charge d'Affairs by phone, that he would not challenge the decisions already taken by the Supreme Court and withheld his plans to establish the nationality review committee. His establishment of that committee throws both his motives and his dependability in carrying out additional commitments into question. The Prime Minister should desist with any efforts to interfere with Supreme Court decisions already taken and devote his full attention and energy to ensuring Haiti's elections take place on time.

CARNEY